

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2010-XXXX

RESCISSION OF CEASE AND DESIST ORDER No. R5-2006-0128
FOR
SIERRA PACIFIC INDUSTRIES, INC., SHASTA LAKE DIVISION
SHASTA COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter referred to as Regional Water Board), finds:

1. Sierra Pacific Industries, Inc., Shasta Lake Division (hereinafter Discharger) owns and operates a 100 million board foot sawmill complex with a wood burning boiler for generation of steam for kiln heating (hereinafter Facility) which discharges an unspecified volume of commingled process water and storm water to an unnamed tributary of Churn Creek, a water of the United States, and a tributary to the Sacramento River.
2. On 17 October 2003, the Regional Water Board adopted Waste Discharge Requirements (WDR) Order No. R5-2003-0154, National Pollutant Discharge Elimination System (NPDES) No. CA0081400, prescribing WDRs for the Facility. Order No. R5-2003-0154 included effluent limitations for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate for which the Discharger could not consistently comply until facility upgrades were completed.
3. Cease and Desist Order (CDO) No. R5-2003-0155 adopted by the Regional Water Board on 17 October 2003, provided interim effluent limitations for cadmium, copper, and zinc, and required the Discharger to submit a compliance time schedule justification and take such actions necessary to comply with the final effluent limitations, or to submit acceptable justification for alternate final effluent limitations that the Discharger could comply with. The interim limitations were to expire three years from the date the CDO was adopted.
4. The WDRs provided interim effluent limitations for lead and bis-2-ethylhexylphthalate and required the Discharger to take such actions necessary to comply with the final effluent limitations, or to submit acceptable justification for alternate final effluent limitations that the Discharger could comply with. The interim limitations were to expire three years from the date the WDRs were adopted.
5. The Discharger partially complied with the CDO and the WDRs by submitting the compliance time schedule justification, by making operational improvements at the facility, by collecting data for a mixing zone/dilution study and a site-specific metals translator study, and by submitting semi-annual progress reports. However, despite these measures, the Discharger was still unable to consistently meet the final effluent limitations. On 7 October 2006, the Discharger submitted a letter requesting an extension of the interim effluent limitations to allow an additional two years to

complete the studies, and give Central Valley Water Board staff the time necessary to consider the Discharger's studies, prior to implementing the final effluent limitations.

6. Waste discharge requirements adopted for many other facilities in similar regulatory situations have provided compliance time schedules of five years. In consideration of this consistency issue, the Discharger's request, and the work completed by the Discharger, CDO No. R5-2003-0155 was amended and extended for an additional two years (for a total of five years). This amended CDO contained interim effluent limitations for cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate. The amended CDO was adopted as CDO No. R5-2006-0128 on 8 December 2006 and the previous CDO No. R5-2003-0155 was rescinded.
7. The Discharger completed facility upgrades to reduce the contributing drainage area and runoff received by the retention pond in 2009. Additional measures to deepen the retention pond are underway and will be completed in 2010. No discharge has occurred from the retention pond since April 2006.
8. As the Discharger complied with CDO No. R5-2006-0128 and a renewed NPDES permit No. R5-2010-XXX, adopted on DD-MMM-2010 included final effluent limitations that the Discharger is expected to immediately comply with, rescission of CDO No. R5-2006-0128 is appropriate.
9. The Discharger and interested agencies and persons were notified of the intent to consider rescission of CDO No. R5-2006-0128 and provided an opportunity for public hearing and an opportunity to submit written views and recommendations.
10. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Title 14, California Code of Regulations, Section 15321.
11. All comments and evidence pertaining to this matter were heard and considered in a public meeting.
12. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Board) to review this action. The petition must be received by the State Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date in which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

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SHASTA COUNTY

IT IS HEREBY ORDERED that Cease and Desist Order No. R5-2006-0128 is rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on

PAMELA C. CREEDON, Executive Officer